

By: Gutierrez

H.B. No. 1055

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to expanding the category of persons required to pay  
3 certain costs on conviction imposed for the support of drug court  
4 programs.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Article 102.0178, Code of  
7 Criminal Procedure, is amended to read as follows:

8 Art. 102.0178. COSTS ATTENDANT TO [~~CERTAIN INTOXICATION AND~~  
9 ~~DRUG~~] CONVICTIONS TO FUND DRUG COURT PROGRAMS.

10 SECTION 2. Articles 102.0178(a), (e), and (g), Code of  
11 Criminal Procedure, are amended to read as follows:

12 (a) In addition to other costs on conviction imposed by this  
13 chapter, a person shall pay \$60 as a court cost on conviction of an  
14 offense punishable as a Class B misdemeanor or any higher category  
15 of offense [~~under:~~

16 [~~(1) Chapter 49, Penal Code, or~~  
17 [~~(2) Chapter 481, Health and Safety Code~~].

18 (e) A county is entitled to:

19 (1) if the custodian of the county treasury complies  
20 with Subsection (d), retain 10 percent of the funds collected under  
21 this article by an officer of the county during the calendar quarter  
22 as a service fee; and

23 (2) if the county has established a drug court  
24 program, including a family drug court program, or establishes a

1 drug court program before the expiration of the calendar quarter,  
2 retain in addition to the 10 percent authorized by Subdivision (1)  
3 another 70 [~~50~~] percent of the funds collected under this article by  
4 an officer of the county during the calendar quarter to be used  
5 exclusively for the development and maintenance of all drug court  
6 programs operated within the county.

7 (g) The comptroller shall deposit the funds received under  
8 this article to the credit of the drug court account in the general  
9 revenue fund to help fund drug court programs established under  
10 Chapter 122 or [~~7~~] 123 [~~7, 124, or 125~~], Government Code, or former  
11 law. The legislature shall appropriate money from the account  
12 solely to the criminal justice division of the governor's office  
13 for distribution to drug court programs that apply for the money.

14 SECTION 3. Section 102.021, Government Code, is amended to  
15 read as follows:

16 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
17 PROCEDURE. A person convicted of an offense shall pay the  
18 following under the Code of Criminal Procedure, in addition to all  
19 other costs:

20 (1) court cost on conviction of any offense, other  
21 than a conviction of an offense relating to a pedestrian or the  
22 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
23 Procedure) . . . \$4;

24 (2) a fee for services of prosecutor (Art. 102.008,  
25 Code of Criminal Procedure) . . . \$25;

26 (3) fees for services of peace officer:

27 (A) issuing a written notice to appear in court

1 for certain violations (Art. 102.011, Code of Criminal Procedure)  
2 . . . \$5;

3 (B) executing or processing an issued arrest  
4 warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal  
5 Procedure) . . . \$50;

6 (C) summoning a witness (Art. 102.011, Code of  
7 Criminal Procedure) . . . \$5;

8 (D) serving a writ not otherwise listed (Art.  
9 102.011, Code of Criminal Procedure) . . . \$35;

10 (E) taking and approving a bond and, if  
11 necessary, returning the bond to courthouse (Art. 102.011, Code of  
12 Criminal Procedure) . . . \$10;

13 (F) commitment or release (Art. 102.011, Code of  
14 Criminal Procedure) . . . \$5;

15 (G) summoning a jury (Art. 102.011, Code of  
16 Criminal Procedure) . . . \$5;

17 (H) attendance of a prisoner in habeas corpus  
18 case if prisoner has been remanded to custody or held to bail (Art.  
19 102.011, Code of Criminal Procedure) . . . \$8 each day;

20 (I) mileage for certain services performed (Art.  
21 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

22 (J) services of a sheriff or constable who serves  
23 process and attends examining trial in certain cases (Art. 102.011,  
24 Code of Criminal Procedure) . . . not to exceed \$5;

25 (4) services of a peace officer in conveying a witness  
26 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
27 \$10 per day or part of a day, plus actual necessary travel expenses;

1           (5) overtime of peace officer for time spent  
2 testifying in the trial or traveling to or from testifying in the  
3 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

4           (6) court costs on an offense relating to rules of the  
5 road, when offense occurs within a school crossing zone (Art.  
6 102.014, Code of Criminal Procedure) . . . \$25;

7           (7) court costs on an offense of passing a school bus  
8 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

9           (8) court costs on an offense of truancy or  
10 contributing to truancy (Art. 102.014, Code of Criminal Procedure)  
11 . . . \$20;

12           (9) cost for visual recording of intoxication arrest  
13 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
14 \$15;

15           (10) cost of certain evaluations (Art. 102.018, Code  
16 of Criminal Procedure) . . . actual cost;

17           (11) additional costs attendant to certain  
18 intoxication convictions under Chapter 49, Penal Code, for  
19 emergency medical services, trauma facilities, and trauma care  
20 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

21           (12) additional costs attendant to certain child  
22 sexual assault and related convictions, for child abuse prevention  
23 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

24           (13) court cost for DNA testing for certain felonies  
25 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

26           (14) court cost for DNA testing for the offense of  
27 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of

1 Criminal Procedure) . . . \$50;

2 (15) court cost for DNA testing for certain felonies  
3 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

4 (16) if required by the court, a restitution fee for  
5 costs incurred in collecting restitution installments and for the  
6 compensation to victims of crime fund (Art. 42.037, Code of  
7 Criminal Procedure) . . . \$12;

8 (17) if directed by the justice of the peace or  
9 municipal court judge hearing the case, court costs on conviction  
10 in a criminal action (Art. 45.041, Code of Criminal Procedure)  
11 . . . part or all of the costs as directed by the judge; and

12 (18) costs attendant to convictions of offenses  
13 punishable as a Class B misdemeanor or any higher category of  
14 offense [~~under Chapter 49, Penal Code, and under Chapter 481,~~  
15 ~~Health and Safety Code~~], to help fund drug court programs  
16 established under Chapter 122 or[~~7~~] 123[~~, 124, or 125~~], Government  
17 Code, or former law (Art. 102.0178, Code of Criminal Procedure)  
18 . . . \$60.

19 SECTION 4. Section 124.004(b), Government Code, is  
20 repealed.

21 SECTION 5. Article 102.0178, Code of Criminal Procedure, as  
22 amended by this Act, applies only to a cost on conviction for an  
23 offense committed on or after the effective date of this Act. An  
24 offense committed before the effective date of this Act is governed  
25 by the law in effect when the offense was committed, and the former  
26 law is continued in effect for that purpose. For purposes of this  
27 section, an offense was committed before the effective date of this

H.B. No. 1055

1 Act if any element of the offense occurred before that date.

2 SECTION 6. This Act takes effect September 1, 2015.